

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 6-9 and 40-51 are pending in the present application. Claims 1, 9 and 40 are amended; and Claim 5 is canceled without prejudice or disclaimer by the present amendment. Claims 1, 9 and 40 are amended to incorporate the features of now-canceled Claim 5. Thus, no new matter is presented.

In the Office Action, Claims 1, 3, 9 and 40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto et al. (U.S. 7,310,823, herein Okamoto) in view of Nakane et al. (U.S. 6,522,609, herein Nakane), Nakano et al. (U.S. 2003/0081786, herein Nakano) and Ueda et al. (U.S. 6,289,102, herein Ueda); Claims 6 and 41-51 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Nakane, Nakano, Ueda and Ando et al. (U.S. Pat. 7,286,746) or Coene et al. (U.S. 2002/0157055); and Claims 5 and 7-8 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant appreciatively acknowledges the indication of allowable subject matter. In response, independent Claims 1, 9 and 40 are amended to incorporate the features of now-canceled Claim 5, which was indicated as reciting allowable subject matter. Moreover, each of Claims 3, 6-8 and 41-51 depend from one of independent Claims 1, 9 and 40, and are also believed to be in condition for formal allowance.

Accordingly, Applicant respectfully requests that the outstanding rejections under 35 U.S.C. § 103 be withdrawn.

Consequently, no further issues are believed to be outstanding in the present application, and the present application including Claims 1, 3, 6-9 and 40-51 is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

This amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. As discussed above, independent Claims 1, 9 and 40 are merely amended to incorporate features indicated as allowable in the outstanding Office Action. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Andrew T. Harry
Registration No. 56,959

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)